

Appeal Decision

Site visit made on 8 May 2017

by David Cross BA (Hons), PGDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 June 2017

Appeal Ref: APP/P2935/W/17/3167852

Lynebank, B1337 Ulgham Village Main Road, Ulgham NE61 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss S Hartop against the decision of Northumberland County Council.
 - The application Ref 16/04264/OUT, dated 14 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is the construction of 2 no residential dwellings on the land North of Lynebank. 1 No 2 Storey 4 bed unit and 1 No. 3 bed dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the proposed site plan as being indicative.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is within the general extent of the Green Belt;
 - If so, whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - Whether, having regard to the location of the appeal site in relation to services and facilities and in conjunction with local and national policy, the proposal would amount to a sustainable pattern of development; and
 - Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.
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Reasons

Whether the site is within the Green Belt

4. Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005 (JSP) identifies the general extent of an extension to the Green Belt and states that "Precise boundaries, including those around settlements, should be defined in Local Plans having particular regard to the maintenance of the role of Morpeth...".
5. I note that the site is not included within the Green Belt as defined in the Castle Morpeth District Local Plan 2003 (CMLP). However, this document pre-dates the JSP and therefore the extent of the Green Belt as shown in the CMLP has been superseded insofar as this relates to the general extent of the Green Belt extension within in the JSP.
6. The site is within the Green Belt defined by Policy 26 of the Northumberland Local Plan Core Strategy Pre-Submission Draft Major Modifications 2016 (NCS). However, the NCS is an emerging document which has not been subject to an Examination in Public. Mindful of paragraph 216 of the National Planning Policy Framework (the Framework) it is reasonable to assume that there may be significant unresolved objections to the Green Belt boundary proposed in the NCS. It is possible that the policy and Green Belt boundary could be amended or deleted as a result of the examination into the overall soundness of the plan. As a consequence, I can afford Policy 26 and the proposed Green Belt boundary only limited weight as a material consideration in this matter at this time.
7. In my view, there are two versions of the Green Belt that the proposal should be assessed against:
 - A. The Green Belt as it currently exists i.e. the general extent of the Green Belt extension established by the JSP.
 - B. The Green Belt as proposed in the emerging NCS.
8. In relation to the Green Belt as it currently exists, I acknowledge that a precise boundary in the vicinity of the appeal site has not been defined in a Local Plan. A similar issue was addressed in a recent Decision by the Secretary of State on an appeal for 'Land Off Avon Drive' near York¹, which I provided to the main parties for comment. In that appeal, the general extent of the Green Belt boundary was established by a Regional Spatial Strategy, but the inner boundary had not been defined by a Local Plan. The Inspector concluded that the lack of a defined boundary provides insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. The Inspector went on to determine if the site was within the Green Belt by assessing its contribution towards the Green Belt purposes². He concluded that it is enough for a site to make a contribution to one of these purposes for it to be within the general extent of the Green Belt. The Secretary of State agreed with this approach in his Decision.
9. I acknowledge that the 'Avon Drive' Decision related to a different scale of development than the current proposal, but I consider that the approach taken in that decision is applicable to this appeal. To determine if the site is within

¹ Appeal Ref: APP/C2741/W/16/3149489

² Paragraph 80 of the Framework.

the general extent of Green Belt as it currently exists, I will therefore assess its contribution to the five purposes of the Green Belt as defined by paragraph 80 of the Framework.

10. The appeal site does not contribute to the first, second and fourth purposes of the Green Belt as Ulgham is not a large built up area or a town.
11. The third Green Belt purpose is to assist in safeguarding the countryside from encroachment. The appeal site is a self-contained area of land located to the rear of Lynebank. Whilst the site may be within the same ownership of Lynebank and used for recreational purposes by the occupier of that property, I saw that the site has the character of rough grassland which is distinct from the residential garden. Lynebank is part of an area of Ulgham which consists of large detached properties fronting onto the highway with gardens to the rear. Whilst I saw that there was some variation in the projection of rear gardens, there was clearly an area of paddocks and other enclosures between the edge of residential gardens and the River Lyne, and which are of a rural rather than residential character. The appeal site is clearly associated with the paddocks and enclosures to the north of Ulgham, rather than being within the extent of the village. Due to this context, I consider that the site is part of the countryside extending north of the settlement towards the River Lyne and beyond. The site therefore assists in safeguarding the countryside from encroachment and contributes to the third Green Belt purpose.
12. The fifth Green Belt purpose is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The inclusion of the site within the Green Belt would direct development to urban areas, thereby contributing to urban regeneration albeit to a limited degree. This purpose is reflected in the reference to "...the maintenance of the role of Morpeth..." in Policy S5 of the JSP.
13. Drawing the above together, in relation to the Green Belt as existing, the site contributes to the third and fifth of the Green Belt purposes and I therefore conclude that the site is within the general extent of the Green Belt as established by Policy S5 of the JSP.
14. In relation to the Green Belt as proposed, the appeal site is within the Green Belt as defined by Policy 26 of the emerging NCS. However, for the reasons stated above I give this limited weight.

Inappropriate Development

15. Paragraph 89 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling of villages.
16. Although the proposed dwellings would be bounded on two sides by built development, they would be seen within the context of paddocks and rural enclosures to the north of Ulgham. Within this context the dwellings would appear as a development on the edge of the village, extending the built form of the settlement into the countryside and would not have the characteristics of infill within a village.
17. Furthermore, the appeal site is located outside of the settlement limits of Ulgham as defined in the CMLP. I acknowledge that the settlement boundary is

not the only consideration when assessing if the site is within a village. However, I have considered both the physical context of the appeal site as outlined previously and the policy context, and this has led me to conclude that the development of the site would not be infill development located within the village.

18. In these circumstances the proposal would be inappropriate development in the Green Belt which is by definition harmful to the Green Belt and substantial weight must be given to this harm.

Openness of Green Belt

19. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The proposal would not constitute infilling within a village and would project into the countryside to the north of Ulgham. Furthermore, the proposal would result in two dwellings where there is presently no built development. The proposal would therefore reduce the openness of the Green Belt and I give substantial weight to this harm.

Sustainable Pattern of Development

20. The site is outside of the settlement boundary for Ulgham defined by Policy UGC1 of the CMLP. Policy C1 states that development in the open countryside beyond settlement boundaries will not be permitted unless it is essential to meet the needs of agriculture or forestry or it accords with a number of policies, including H16 which specifies criteria to be used to assess houses in the open countryside. The proposal would not meet the criteria of Policies C1 or H16 and therefore conflicts with the CMLP. Whilst the CMLP is of some age, these policies reflect the aims of the Framework in respect of promoting sustainable development in rural areas. Furthermore, I note that the Council can demonstrate a 5 year housing land supply. I therefore give these policies significant weight.
21. The appellant contends that the site cannot be classed as 'open' countryside as it is not available as a recreational resource to the wider public and is not in agricultural use. However, I consider that the definition of open countryside has a wider meaning than simply relating to public access and agriculture and instead relates to a rural character and a lack of urban development, which I consider is representative of the appeal site.
22. The Council also state that Ulgham is not a sustainable settlement with an adequate range of facilities and services. I saw that facilities in the village were very limited, including a village hall, a public house which was not open at the time of my visit and an antique shop with very limited opening hours. Residents would therefore need to travel to other settlements to access basic shopping facilities, employment and other services, which would foster reliance on the private car.
23. I saw that there is a regular bus service from the village to towns including Alnwick and Morpeth which would be of benefit to residents. However, I do not consider that this would provide a significant alternative to a reliance on the private car due to the relative convenience of these modes of transport.
24. I conclude that the proposed development would not be located where future occupiers would be able to rely on accessible local services and facilities to

serve their everyday needs without having to travel some distance and in all likelihood by private car. The proposal would not meet the criteria specified in Policy H16 of the CMLP and which reflects the provisions of the Framework in relation to the sustainable location of rural housing.

25. The proposal would also conflict with Policies 1, 2 and 3 of the emerging NCS which address matters of sustainable development and the spatial distribution of development. However, mindful that these policies have not been subject to an Examination in Public and with regard to Paragraph 216 of the Framework, I can afford these policies only limited weight.

Other Considerations

26. I have had regard to the benefits arising from the proposal. The construction of two dwellings would make some contribution to the supply of housing in the area and to the support of local services and events, albeit to a very limited degree. I therefore give these matters limited weight.
27. The proposal would not be detrimental to highway safety or the amenity of neighbouring residents, although these matters are neutral in the overall planning balance.
28. The weight to be given to the benefits arising from the proposal is far outweighed by the substantial weight that must be given to the harm arising from inappropriate development, the substantial harm to the openness of the Green Belt, and the harm resulting from conflict with the purposes of including land in the Green Belt, as well as the unsustainable location of the proposal. Very special circumstances to justify the proposal do not therefore exist.

Other Matters

29. In support of the appeal, the appellant has referred to two dwellings to the rear of 'Branstone' which are adjacent to the site and which were granted planning permission in 2015³. However, at the time of determining that application, the Council was unable to demonstrate a five year housing land supply and the housing supply policies of the CMLP were given limited weight as they were considered to be out of date. The Council assessed the Branstone proposal in relation to settlement limits and sustainability of location on that basis. In contrast, I note that the Council is now able to demonstrate a five year housing land supply and relevant policies of the CMLP should now be given full weight. Due to this changed policy context, I consider that the previous permission should not be seen as setting a precedent and does not weigh positively in favour of the current proposal. Furthermore, despite the assertions in the Council Officer's report on the previous application, I do not consider that Ulgham is a sustainable location for residential development for the reasons stated above.
30. In relation to whether the Branstone proposal was in the Green Belt, the Council considered this was unclear and that relevant policies should not therefore apply. The appellant has also referred to a recent appeal decision⁴ where the Inspector identified concerns about the general extent of the Green Belt, although I have not been provided with details of that proposal. However, for reasons explained previously, I have concluded that ambiguity in

³ Application No: 15/01852/OUT

⁴ Appeal Ref: APP/P2935/W/16/3144374

relation to a defined Green Belt boundary should not be used to arbitrarily exclude any site contained within the general extent of the Green Belt. I have concluded that the appeal site is within the general extent of the Green Belt and should be assessed on that basis. I sympathise with the appellant's frustrations on the apparent inconsistency in the application of Green Belt policy in this area, but this has not led me to a different conclusion on this matter.

31. I have taken into account the local objections in relation to housing supply, wildlife, precedent, design, highway safety, noise and disturbance. However consideration of these matters has not led me to a different conclusion on this appeal.

Overall Balance and Conclusion

32. I note that the appellant states that the site is excluded from the current Green Belt boundary. However, for the reasons stated previously, I consider that the proposal would be within the general extent of the Green Belt and would be inappropriate development under the policies of the Framework.
33. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I consider that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Very special circumstances to justify the proposal do not exist. I also consider that the proposal would not represent a sustainable pattern of development as it would be within the open countryside and would not have suitable access to services. It would therefore conflict with the policies of the development plan as a whole and the Framework.
34. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

David Cross

INSPECTOR